



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/02/2021

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PRESENT

The Hon'ble Mr. Justice M.NIRMAL KUMAR

CRL OP(MD)No.536 of 2021

Murugesan

... Petitioner/Accused No.3

Vs

The State Rep. by
The Inspector of Police,
CCB, Trichy District.
(Crime No.3/2020).

... Respondent/Complainant

For Petitioner : Mr.Murugappan.R,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

For Intervenor : Mr.B.Jameel Arasu

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

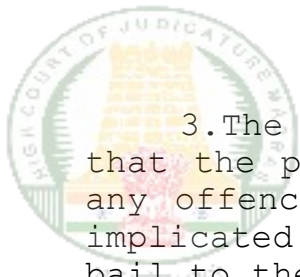
PRAYER :-

For Anticipatory Bail in Crime No.3 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 408, 417 and 420 IPC in Crime No.3 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the General Manager of M/s KAG India Private Limited, Chennai. On Audit, it was found that the petitioner and the other accused persons misappropriated to the tune of Rs.1,16,37,948/- by not accounting the money collected from the dealers to the tune of Rs.39, 36, 042/- and by selling the goods of 11253 boxes to the tune of Rs.38,92,143/- without bill and maintain boxes into damage account and collection amount of Rs.11,44,252/- for 20.02.2020 and 21.02.2020 was not deposited. Hence, the complaint.



3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

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4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the overt act against the petitioner is that he is working as Accountant cum Cashier in Trich Branch from the year 2015. The duty of the petitioner is that he has to upload the particulars of daily collection amount to the main Branch through computer and when A1 is on leave, the petitioner has to get the order and to sent the invoice to the godown and he committed cheating by not depositing the amount of Rs.11,44,252/-, which was collected on 20.02.2020 and 21.02.2020. Further he committed cheating by accounting only part payment of the collection amount and he has not accounting 9311 boxes of tiles and cheated Rs.30,34,095/-. Hence, he opposed to grant anticipatory bail to the petitioner.

5.It is seen that the petitioner along with other accused had misappropriated to the tune of Rs.1,16,37,948/-. Though anticipatory bail granted to A1, the State filed cancelation of anticipatory bail and the same is pending. As regards A2, anticipatory bail granted on condition that he has to deposit title deed worth about Rs.25 Lakhs. Anticipatory bail was granted to A4 since he is only a vendor and he had no knowledge about the offence. As regards this petitioner is concerned, he committed cheating by not depositing the amount of Rs.11,44,252/-, which was collected on 20.02.2020 and 21.02.2020. Further he committed cheating by accounting only part payment of the collection amount and he has not accounting 9311 boxes of tiles and cheated Rs.30,34,095/- and cheated his own company.

6.In view of the above, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-

25/02/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1. THE INSPECTOR OF POLICE,
CCB, TRICHY DISTRICT.

2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.536 of 2021
Date :25/02/2021

GNS

TE/JC/SAR-III : 19/03/2021 : 3P/3C